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FILED

December 21, 2009

Clerk, U.S. Bankruptcy Court

Below is an Order of the Court.

TRISH M. BROWN
U.S. Bankruptcy Judge

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF OREGON

In re

GRAPHIC ARTS CENTER PUBLISHING COMPANY,

Debtor.

No. 09-39457-tmb7

ORDER GRANTING LANDLORD'S MOTION FOR RELIEF FROM AUTOMATIC STAY, AND OTHER RELIEF

The Motion for Relief From Stay filed by Accordion Investments, IV, LLC ("Landlord") came on for an expedited hearing at 1:30 p.m. on December 15, 2009, before the Hon. Trish M. Brown. Richard Baroway, Garvey Schubert Barer, appeared for the Landlord. Jennifer Dumas, Crocker Kuno, PLLC, appeared for secured creditor Silicon Valley Bank, and Alex Poust, Schwabe Williamson & Wyatt, appeared for secured creditor Ingram Book Group Inc. Having reviewed the submissions of the Landlord and arguments of all parties present, and the court being otherwise fully advised,

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1. The Landlord's Motion for Relief From Stay is hereby granted.
- 2. Landlord may retake possession of the premises leased to debtor, located at 3019 and 3033 NW Yeon, Portland, Oregon (the "Premises"). In that regard, Landlord is authorized to

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commence and prosecute to completion, an FED action in Multnomah County Circuit Court, or to

retake possession peaceably if it can do so without such action.

3. Landlord is further authorized, pursuant to applicable nonbankruptcy law, to take steps

to remove all personal property from the Premises to prepare the premises for occupancy by the City

of Portland, as the new tenant. Such personal property (the "Personal Property") includes without

limitation, machinery, equipment, inventory, office and printing materials and supplies, and office

furniture and equipment.

4. Landlord is further authorized to commence such foreclosure proceedings as it deems

necessary to realize on the Personal Property in accordance with the promissory chattel lien

procedures set forth in ORS 87.162, et seq.

5. The 14-day stay provided by Fed. Rule Bankr. Proc. 4001(a) shall be waived.

6. Nothing in this Order is intended to adjudicate the validity, extent or priority of

Landlord's statutory possessory chattel lien or the secured claims of any other creditor in the debtor's

assets.

7. This Order shall be effective as of December 15, 2009, notwithstanding the actual date

that this Order is signed and filed with the court.

8. Landlord represents that counsel for Ingram Book Group Inc., and Silicon Valley

Bank have reviewed and approved this form of order.

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Presented and Certified, By

/s/ Richard Baroway

Richard Baroway, OSB #831479

Garvey Schubert Barer

Of Attorneys for Accordion Investments IV, LLC

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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2009, the foregoing ORDER GRANTING LANDLORD'S MOTION FOR RELIEF FROM AUTOMATIC STAY, AND OTHER RELIEF was served electronically via ECF on:

Shelly Crocker on behalf of Creditor Silicon Valley Bank <a href="mailto:scrocker@crockerkuno.com">scrocker@crockerkuno.com</a>; <a href="mailto:thao@crockerkuno.com">thao@crockerkuno.com</a>; <a href="mailto:nancy@crockerkuno.com">nancy@crockerkuno.com</a>; <a href="mailto:jdumas@crockerkuno.com">jdumas@crockerkuno.com</a>; <a href="mailto:nancy@crockerkuno.com">nancy@crockerkuno.com</a>; <a href="mailto:jdumas@crockerkuno.com">jdumas@crockerkuno.com</a>; <a href="mailto:jduma

Rodolfo A Camacho

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Jennifer L. Dumas on behalf of Creditor Silicon Valley Bank <a href="mailto:jdumas@crockerkuno.com">jdumas@crockerkuno.com</a>, <a href="mailto:nancy@crockerkuno.com">nancy@crockerkuno.com</a>

Thomas K. Hooper on behalf of Creditor Housing Authority of the City of Santa Barbara <a href="mail@hooplaw.com">bmail@hooplaw.com</a>, <a href="mail@hooplaw.com">csayles@hooplaw.com</a>

Jonathan C. Kuni on behalf of Creditor Silicon Valley Bank jon@kunidonaldson.com; reception@kunidonaldson.com

Alex I. Poust on behalf of Creditor Ingram Book Group, Inc. apoust@schwabe.com, dsalt@schwabe.com; docket@schwabe.com

Jeannette L. Thomas on behalf of Debtor Graphic Arts Center Publishing Company JThomas@perkinscoie.com, etherrien@perkinscoie.com; docketpor@perkinscoie.com

US Trustee, Portland USTPRegion 18.PL.ECF@usdoj.gov

and via email:

Charles M. Hopkins (via email) 44850 Tide Avenue Arch Cape, OR 97102

and via mail on:

Douglas Pfeiffer 3019 NW Yeon Portland, OR 97210 Joel W. Rogers 8324 19<sup>th</sup> Avenue NW Seattle, WA 98117

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by mailing to them at the addresses listed above, a copy of the original thereof on December 17, 2009.

/s/ Richard Baroway
Richard Baroway
Of Attorneys for Accordion Investments IV, LLC

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